



PLANNING COMMISSION AGENDA

Wednesday, November 19, 2008

6:30 p.m. Regular & General Plan Hearing

Council Chambers
First Floor, City Hall Wing

200 East Santa Clara Street
San José, California

Jim Zito, Chair
Matt Kamkar, Vice-Chair

Xavier Campos	Thang Do
Lisa Jensen	Christopher Platten
Vacant	

Joseph Horwedel, Director
Planning, Building and Code Enforcement

NOTE

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Carmen Stanley at 408-535-7856 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Matt Kamkar** and I am the **Vice Chair of the Planning Commission**. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Wednesday, November 19, 2008***. Please remember to turn off your cell phones. Parking ticket validation machine for the garage under City Hall is located at the rear of the Chambers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the Audio-Visual Technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4.a., not PD06-023.**

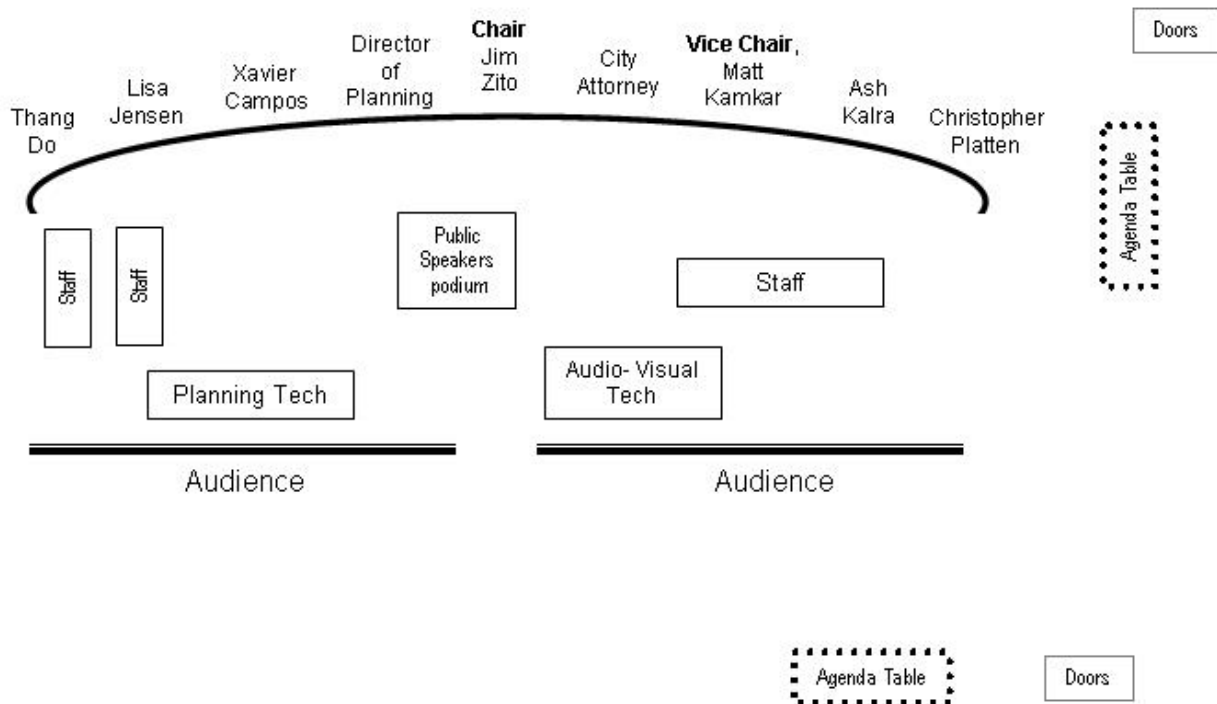
The procedure for this hearing is as follows:

- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. Response to Commissioner questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is only advisory to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezoning and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

The Planning Commission is a seven-member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San José Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at http://www.sanjoseca.gov/planning/hearings/planning_com.asp

All public records relating to an open session item on this agenda, which are not exempt from disclosure, pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3rd Floor Tower, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

Audio for the Planning Commission hearings are recorded and broadcasted live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website:

http://sanjose.granicus.com/ViewPublisher.php?view_id=17

If you have any questions, please direct them to the Planning staff at (408) 535-7800. If you have any agenda questions, please contact Carmen Stanley at (408) 535-7856 or email carmen.stanley@sanjoseca.gov Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

ROLL CALL

1. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

To effectively manage the Planning Commission Agenda, and to be sensitive to concerns regarding the length of public hearing, the Planning Commission may determine either:

- To proceed with remaining agendized items past 11:00 p.m.;
- To continue this hearing to a later date;
- Or to defer remaining items to the next regularly scheduled Planning Commission meeting date.

Decision on how to proceed will be heard by the Planning Commission no later than 11:00 p.m.

- a. **CP08-012**. Conditional Use Permit to allow the conversion of a 7,062 square-foot commercial building to a church and associated parking area and landscape improvements on a 0.5 gross acre site, located on the south corner of N 25th Street and E Julian Street (1190 E. Julian Street). Church of Faith and Hope, Owner/Applicant). Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Exempt. *PROJECT MANAGER, B.ROTH*

Staff Recommendation: Defer to 12/10/2008 per staff request.

- b. **CPA03-047-01**. Conditional Use Permit to allow renewal of an existing 60 foot tall monopole with associated equipment cabinets on a 22.8 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the northerly side of Dana Avenue approximately 180 feet southeasterly of Naglee Avenue (604 DANA AV)(San Jose Unified S D, Owner). Council District 6. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.SAHA*

Staff Recommendation: Defer to 12/03/2008 per applicant request.

- c. **NORTH SAN JOSÉ AREA DEVELOPMENT POLICY**: North San José Design Guidelines and Implementation Strategy to supplement and provide implementation tools for the previously adopted North San José Area Development Policy. The North San José Design Guidelines provide North San José–specific guidance to both private and public development and include guidelines for Site Planning, Buildings, Parking, Parks and Public Art. The Implementation Strategy includes more specific, technical guidance for the implementation of the adopted policy with respect to Transportation (Grid Street System, Traffic Impact Fee, Public Facilities (Parks, Libraries), Retail, Affordable Housing and a Neighborhood Plan. Council Districts 3 & 4. SNI: N/A. *PROJECT MANAGER, R.BUIKEMA*

Staff Recommendation: Drop per staff request.

The matter of deferrals is now closed.

2. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately. Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. **CP08-036**. Conditional Use Permit to allow the renewal and continued use of an existing wireless communications monopole with associated ancillary equipment cabinets on a 5.96 gross acre site in the A(PD) Planned Development Zoning District, located on the north side of Dobbin Drive approximately 1,000 feet easterly of King Road (1855 DOBBIN DR)(R & C Brown Associates L.P., Owner; Verizon Wireless, Developer). Council District 3. SNI: None. CEQA: Exempt. Deferred from 09/10/08 & 10/08/08. *PROJECT MANAGER, S.SAHA*

Staff Recommendation: Approve a Conditional Use Permit to allow the renewal and continued use of an existing a wireless communications monopole with associated ancillary equipment cabinets on a 5.96 gross acre site in the A(PD) Planned Development Zoning District, as recommended by staff.

- b. **CP07-040**. Conditional Use Permit to allow off-sale of alcoholic beverages at an existing retail establishment on a 0.49 gross acre site in the CP Pedestrian Commercial Zoning District, located on the northeastern corner of South Bascom Avenue and Stokes Street (1290 S Bascom Ave, Suite D)(GDRR Properties LLC, Owner). Council District 6. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

Staff Recommendation: Approve a Conditional Use Permit to allow off-sale of alcoholic beverages at an existing retail establishment on a 0.49 gross acre site in the CP Pedestrian Commercial Zoning District, as recommended by staff.

- c. [CP08-058](#). Conditional Use Permit to allow operation of a public eating and drinking establishment, and after midnight operation until 2:00 am on a 0.22-gross acre site in the DC Downtown Primary Commercial Zoning District, located on the west side of N. San Pedro St, approximately 160 ft south of W. St. John St. (73 N SAN PEDRO ST)(Peralta-North San Pedro LLC, San Pedro Square Properties John McEnery IV, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SAMONSKY*

Staff Recommendation: Approve a Conditional Use Permit to allow operation of a public eating and drinking establishment, and after midnight operation until 2:00 a.m. on a 0.22-gross acre site in the DC Downtown Primary Commercial Zoning District, as recommended by staff.

- d. [PDC08-040](#). Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow commercial uses and 24-hour operations for a bail bonds establishment on a 0.67-gross acre site located at the northeast corner of N. First Street and E. Hedding Street (900 N. FIRST STREET) (Sarwat S. and Colette J. Fahmy Et Al, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, B.ROTH*

Staff Recommendation: Recommend Approval of a Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow commercial uses and 24-hour operations for a bail bonds establishment on a 0.67-gross acre site, as recommended by staff.

- e. [ORDINANCE AMENDMENT](#). An ordinance of the City of San José Amending Title 20 of the San José Municipal Code, the Zoning Code, to (1) Amend Section 20.50.010 of Chapter 20.50 to establish the CIC Combined Industrial/Commercial Zoning District and to clarify the IP Industrial Park, LI Light Industrial and HI Heavy Industrial Zoning Districts; (2) Amend Section 20.50.100 to change the “CM” denotation to “C^{GP}” and to allow uses with the “C^{GP}” denotation with a conditional use permit on properties designated mixed industrial overlay or combined industrial/commercial by the general plan, to establish use regulations for the CIC combined Industrial/Commercial Zoning District, to allow laboratory, medium manufacturing and assembly, and warehouse uses as a permitted use in the IP Industrial Park Zoning District; to add research and development office, mortuary without funeral services, and warehouse retail as enumerated uses, to allow crematory uses with a conditional use permit in LI Light Industrial Zoning Districts, to eliminate day care center as a conditional use in the HI Heavy Industrial Zoning District with a mixed industrial overlay, and to add autobroker, wholesale, no on-site storage as a permitted use in the IP Industrial Park Zoning District; (3) Add section 20.50.113 to clarify use regulations for public eating establishments in the LI Light Industrial or HI Heavy Industrial Zoning Districts; (4) Add section 20.50.130 to establish regulations for warehouse retail; (5) Amend section 20.50.200 to establish development regulations for the CIC combined Industrial/Commercial Zoning District; Amend Section 20.90.060 of Chapter 20.90 to establish parking requirements for research and development office, mortuary without funeral services, and warehouse retail; (6) Amend Section 20.100.500 of Chapter 20.100 to allow above-ground storage tanks 2,000 gallons or less with a permit adjustment; (7) Amend Chapter 20.200 to define mortuary and funeral services, mortuary without funeral services, research and development office, and warehouse retail; and make other related clarifying changes and amendments. CEQA: Negative Declaration, PP08-124. (Deferred from 10/22/08). *Continued from 11/05/08. PROJECT MANAGER, S.DO*

3. CONTINUE THE PLANNING COMMISSION HEARING FOR THE FALL 2008 GENERAL PLAN AMENDMENTS

4. GENERAL PLAN CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately. Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. [GP08-04-01](#). General Plan amendment request to change the Land Use/ Transportation Diagram designation from Industrial Park to Combined Industrial/Commercial on an 8.5-acre site located on the southeast corner of Montague Expressway and O'Toole Avenue (Carr NP Properties, LLC and Equity Properties Tax Group, LLC, Owner/City of San Jose, Applicant)(APNs: 237-10-236 and 237-10-237). Council District: 4. SNI: None. CEQA: Addendum to the North San Jose Policies Update EIR, Resolution No. 72768. *PROJECT MANAGER, R.ROBERTS*

Staff Recommendation: Consider the Addendum to the North San José Policies Update EIR, Resolution No. 72768 in accordance with CEQA. Recommend to the City Council approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Industrial Park to Combined Industrial/Commercial on an 8.5-acre site, as recommended by staff.

- b. [GP08-T-07](#). General Plan text amendment request to add a new Land Use/Transportation Diagram designation to the text of the *San José 2020 General Plan* to encourage vertical mixed-use development near transit while preserving commercial employment lands in San José. No land use change affecting any specific site is identified or included in the proposed General Plan text amendment. Council District: Citywide. SNI: Citywide. CEQA: Addendum to the San José 2020 General Plan EIR, Resolution No. 65459. *PROJECT MANAGER, J. NUSBAUM*

Staff Recommendation: Consider the Addendum to the San José 2020 General Plan EIR, Resolution No. 65459 in accordance with CEQA. Recommend to the City Council approval of a General Plan text amendment request to add a new Land Use/ Transportation Diagram designation to the text of the *San José 2020 General Plan*, as recommended by staff.

5. GENERAL PLAN PUBLIC HEARING CALENDAR

- a. [GP08-06-01](#). General Plan amendment request to change the Land Use/Transportation Diagram designation from Medium High Density Residential (12-25 DU/AC) to General Commercial on a 2.37-acre site located on the north side of Parkmoor Avenue, approximately 1,070 feet west of Meridian Avenue, in the rear lot (1555 Parkmoor Avenue) (Chiechi Park West III/Hope Services, Owner / Leslye Krutko-City of San Jose Housing Department, Applicant)(APN 277-22-020). Council District: 6. SNI: Burbank/Del Monte. CEQA: Negative Declaration. *PROJECT MANAGER, R.ROBERTS*

Staff Recommendation: Consider the Negative Declaration in accordance with CEQA. Recommend to the City Council approval of the General Plan amendment request to change the Land Use/Transportation Diagram designation from Medium High Density Residential (12-25 DU/AC) to General Commercial on a 2.37-acre site to partially offset a future rezoning involving the conversion of employment lands to residential use on a 3.05-acre site, as recommended by staff.

- b. [GP08-08-05](#). General Plan amendment request to change the Land Use/Transportation Diagram designation from Low Density Residential (5 DU/AC) to Office on a 0.69-acre portion of a 2.98-acre parcel located on the west side of San Felipe Road, approximately 600 feet southerly of Delta Road (4203 San Felipe Road) (Dennis Wong, Owner / Reyad Katwan, Hawkstone, LLC, Applicant)(APN 676-36-005). Council District: 8. SNI: None. CEQA: Negative Declaration. *PROJECT MANAGER, R.ROBERTS*

Staff Recommendation: Consider the Negative Declaration in accordance with CEQA. Recommend to the City Council approval of the General Plan amendment request to change the Land Use/Transportation Diagram designation from Low Density Residential (5 DU/AC) to Office on a 0.69-acre portion of a 2.98-acre parcel , as recommended by staff.

6. CLOSE THE PLANNING COMMISSION HEARING FOR THE FALL 2008 GENERAL PLAN AMENDMENTS

The matter of General Plan Amendments is now closed.

The following items are considered individually.

7. PUBLIC HEARING

NOTICE TO THE PUBLIC

Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

- a. [SP08-040](#). APPEAL of the Planning Director's decision to deny a Special Use Permit for late night use until 3:00 a.m. for an existing restaurant on a 0.09 gross acre site, in the DC Downtown Primary Commercial Zoning District, located at the southeast corner of South 3rd Street and San Carlos Street (304 S. 3rd St. – Hoagie's Steak Out) (SHAHIDI MASOUD, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SAMONSKY*

Staff Recommendation: Uphold the Director's Decision to deny a Special Use Permit for late night use until 3:00 a.m. for an existing restaurant on a 0.09 gross acre site, in the DC Downtown Primary Commercial Zoning District, as recommended by staff.

- b. [PDC08-038](#). Planned Development Rezoning from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 84 attached residential units on a 1.92 gross acres site, located on the south side of East San Antonio Street, approximately 950 feet east of South 24th Street (1338 E San Antonio St.)(Neighborhood Housing Services Silicon Valley, Owner). Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, L.McMORROW*

Staff Recommendation: Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend approval to City Council a Planned Development Rezoning from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 84 attached residential units on a 1.92 gross acres site

- c. [INCLUSIONARY HOUSING REQUIREMENT](#). Recommendation to the City Council regarding policy parameter for the preparation of an ordinance amending the San Jose Municipal Code establishing a Citywide inclusionary housing regulation that requires a percentage of every residential development be affordable to low- and/or moderate-income households, with provisions for among others, (1) meeting the affordable housing obligation in alternative ways; (2) a minimum project size to which the requirement will apply; (3) incentives for developers to meet their obligations; (4) an exemption for pipeline projects; and (5) a means to forgive the obligation during slumping housing market conditions.

8. PETITIONS AND COMMUNICATIONS

Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

- Responding to statements made or questions posed by members of the public; or
- Requesting staff to report back on a matter at a subsequent meeting; or
- Directing staff to place the item on a future agenda.

9. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

None

10. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' Report from Committees:
 - (1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).
 - (2) Envision San José 2040 General Plan Update Process (Kamkar).
- c. [Review of Synopsis from 11/05/08.](#)
- d. Consider Study Session dates and/or topics.

ADJOURNMENT

2008 PLANNING COMMISSION MEETING SCHEDULE

<u>Date</u>	<u>Time</u>	<u>Type of Meeting</u>	<u>Location</u>
January 16	6:30 p.m.	Regular Meeting	Council Chambers
January 30	6:30 p.m.	Regular Meeting	W118 & W119
February 13	5:00 p.m.	Study Session <i>Review & Comment: Planning Department Website</i>	Room T-332
February 13	6:30 p.m.	Regular Meeting	Council Chambers
February 27	5:00 p.m.	Study Session <i>CEQA: Reviewing Environmental Impact Reports</i>	Room T-332
February 27	6:30 p.m.	Regular Meeting	Council Chambers
March 12	5:00 p.m.	Study Session <i>North San José</i>	Room T-332
March 12	6:30 p.m.	Regular Meeting	Council Chambers
March 26	5:00 p.m.	Study Session <i>Green Vision/Develop City Policy</i>	Room T-332
March 26	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
April 9	5:00 p.m.	Study Session <i>Riparian Corridor Policy</i>	Room T-332
April 9	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
April 21 (Monday)	5:00 p.m.	Study Session <i>Inclusionary Housing & Housing Element</i>	Room T-332
April 21 (Monday)	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
May 7	5:00 p.m.	Study Session <i>Capital Improvement Program</i>	Room T-1654
May 7	6:30 p.m.	Regular Meeting	Council Chambers
May 14	6:30 p.m.	Regular Meeting	Council Chambers
May 28	6:30 p.m.	Regular Meeting	Council Chambers
June 11	5:00 p.m.	Study Session <i>Planning Commission By-Laws</i>	Room T-332
June 11	6:30 p.m.	Regular Meeting	Council Chambers
June 25	5:00 p.m.	CANCELLED Study Session <i>Riparian Corridor Policy</i>	CANCELLED
June 25	6:30 p.m.	Regular Meeting	Council Chambers
July 16	6:30 p.m.	Regular Meeting	W-118, W-119, W-120
August 6	5:00 p.m.	Study Session <i>Riparian Corridor Policy</i>	Room T-332
August 6	6:30 p.m.	Regular Meeting	Council Chambers
August 20	6:30 p.m.	Regular Meeting	Council Chambers
September 10	6:30 p.m.	Regular Meeting	Council Chambers
September 24	5:00 p.m.	Study Session <i>Joint Study Session with Parks Commission</i>	Council Chambers
September 24	6:30 p.m.	Regular Meeting	Council Chambers
September 25	8:30 a.m.	Annual Retreat - CANCELLED	Room T-1654
October 8	5:00 p.m.	Study Session <i>County Island Annexation Program</i>	Room T-332
October 8	6:30 p.m.	Regular Meeting	Council Chambers
October 22	6:30 p.m.	Regular Meeting	Council Chambers
November 5	5:00 p.m.	Study Session - CANCELLED <i>Planned Development Processes</i>	Room T-332
November 5	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
November 6	8:00 a.m.	Annual Retreat	Room T-1654
November 19	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
December 3	6:30 p.m.	Regular Meeting	Council Chambers
December 10	6:30 p.m.	Regular Meeting	Council Chambers

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior, which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners, or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.